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EXAMINER

LAYNO, BENJAMIN

ART UNIT PAPER NUMBER

3711

DATE MAILED: 04/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/757,384

Applicant(s)

ROBERT A. LUCIANO

Examiner

Benjamin H. Layno

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16, 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 13, 17, 18, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 8 and 10-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1. 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 17, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue 111'.

The patent to Inoue 111' discloses a gaming device, slot machine, comprising a plurality of rotatable wheels 5-7. Each wheel has a viewable annular surface, and indicia formed on the annular surfaces. The wheels comprise a first group 5, a second group 6, and a third group 7 of wheels. Each group comprises two concentrically mounted wheels including an inner wheel 5b having an inner most viewable surface, and an outer reel 5a having an outermost viewable surface, Fig. 2. A plurality of pay lines 8 are adapted to indicate a group of indicia. Bets are placed in coin slot 9. Bet sensors 32 are adapted to detect when a bet is placed on the pay line. Numbers "1", "2" and "3" next to the pay lines 8 indicate a wager on the pay line. Drive mechanisms 20a – 22a, 20b – 22b rotates the plurality of wheels and stops the wheels in positions that are randomly determined. The positions being within a finite number of predetermined stopping positions, col. 4, lines 22-46. The occurrence of a predetermined combination of indicia on the pay line indicates a winning combination, col. 4, line 47 to col. 5, line 5.

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The pay lines are also defined from the inner most surface to the outermost surface, col. 5, lines 22-43. The gaming device pays out winnings, col. 5, lines 18-21.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue 111' as applied to claim 9 above, and further in view of (Smyth or Lowden).

The patents to Smyth and Lowden both teach that it is known in the slot machine to mount the rotatable wheels on a table. In view of such teaching, it would have been obvious to modify the housing of Inoue's slot machine such that the housing would have formed a table with the wheels mounted underneath the horizontal surface of the table. This modification would have made Inoue's game more attractive to players who prefer playing while sitting at a table.

In regard to claim 13, Fig. 7 of Inoue 111' discloses an embodiment having five groups of wheels for a total of ten wheels (which is at least nine wheels).

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue 111' as applied to claim 21 above, and further in view of Okada 439'.

The patent to Okada 439' teaches that it is known in the slot machine art to alternately electronically display simulated rotating wheels on a video display. In view of such teaching, it would have been obvious to modify Inoue's wheels by electronically

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displaying the wheels on a video display in order to attract players who enjoy playing video games.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 13 recites the limitation "all nine wheels" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

***Allowable Subject Matter***

8. Claims 8 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 14-16, 19 and 20 are allowed.

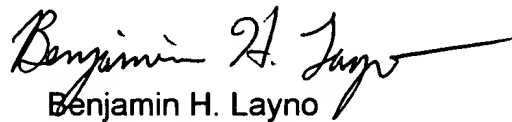
10. The following is a statement of reasons for the indication of allowable subject matter: The patents to Comito and Mangano et al. disclose gaming devices having rotating wheels and concentric rotating wheels. The patent to Watts discloses a slot machine with one group of three concentric rotating wheels. The patent to Welman et al. disclose a board game having three rotating wheels arranged in a clover formation. None of the cited references alone or in combination teach the claimed "**three** groups of rotatable wheels.....each of the **three** groups having three concentric said wheels" and "groups are arranged in an approximate **clover** formation".

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Benjamin H. Layno  
Primary Examiner  
Art Unit 3711

bhl  
April 15, 2002